

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2021-324-WS

Application of Kiawah Island Utility,
Incorporated for Adjustment of Rates and
Charges (Increase) and Modifications to
Certain Terms and Conditions for the
Provision of Water and Sewer Service

**MOTION FOR CONFIDENTIAL
TREATMENT**

Applicant, Kiawah Island Utility, Inc. (“KIU”) moves for Confidential Treatment in the above-captioned proceeding under S.C. Code Ann. § 58-4-55(A), S.C. § 30-4-40(a)(1), S.C. Code Ann. § 39-8-10, *et seq.*, and S.C. Code Ann. Regs. 103-804(S)(2). Applicant requests confidential treatment by the Public Service Commission (“Commission”) of certain commercially sensitive financial information supporting their request for recovery of rate case expenses filed under seal as the late-filed exhibit “Rate Case Expenses of Kiawah Island Utility, Inc. Supporting Invoices” accompanying this motion.

I. Description of Confidential Information

The documents filed under seal are the supporting invoices for an itemization of the Applicant’s rate case expenses totaling \$318,938.17 that have been audited by the Office of Regulatory Staff (“ORS”). The invoices and payments were made to Applicant’s accounting firm Burkett, Burkett & Burkett, law firms Elliott & Elliott, PA Terreni Law Firm, LLC; and Savage, Royal & Sheheen, LLP, consultant, Walsh Consulting Group, LLC; experts GDS Associates, Inc., Burr & Forman LLP, and Douglas H. Carlisle, Ph.D., and to ORS’s expert consultants, Resolve Utility Consulting PLLC, and Technical Associates, Inc.

II. Grounds for Claim of Confidentiality

The invoices reflect details of services rendered including hourly rates, expenses charged, and payment terms and were designated as confidential when provided to ORS. Disclosure of the invoices would harm KIU's relationship with its vendors and the Applicant's ability to compete in the procurement of professional services, competition which ultimately benefits its customers. Applicant and its vendors desire to keep their financial information out of the public realm. Applicant takes considerable effort to maintain the secrecy of the information of this nature. The invoices describe in detail the interactions between Applicant and its attorneys, accountants, and other professionals. The invoices also reveal the hourly rates paid to these professionals, which the Applicant has competitively negotiated. Financial information of this type is not publicly disseminated, and Applicants each take reasonable steps to guard this information internally. When required to submit financial information to public authorities, all such information is stamped "Confidential" and comes with formal requests to maintain the confidentiality of the information and to withhold it from public disclosure. The General Assembly has recognized the confidential nature of audit records by statutorily exempting them from disclosure by the ORS under S.C. Code Ann. § 58-4-55. Most important, the publicly filed detail shows the payments made to each vendor and whether ORS allowed them as recoverable rate case expenses; therefore, no prejudice will result from granting this request.

Conclusion

The financial information for which confidential treatment is requested is both proprietary and competitively sensitive. Applicant would suffer substantial direct harm if such information is made publicly available. The harm that would result from public disclosure of the financial

information is actual and not speculative. Accordingly, the financial information in the late-filed exhibit should be protected from public disclosure by the Commission.

WHEREFORE, Applicants respectfully request the information the late-filed exhibit accompanying this motion be ruled exempt from public disclosure and provided confidential treatment.

Respectfully submitted,

s/ Charles L.A. Terreni

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4/13/2022
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**2021-324-WS
LATE FILED EXHIBIT
RATE CASE EXPENSES
OF KIAWAH ISLAND UTILITY, INC
SUPPORTING INVOICES
FILED UNDER SEAL**